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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED UPON INVESTMENT IN  
THE FOX HILLS 216, LLC LOAN**

Date of Hearing: August 30, 2011

Time of Hearing: 10:30 a.m.

Estimated Time For Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE FOX  
HILLS 216, LLC LOAN. THE USACM TRUST CONTENDS THAT YOU DO NOT  
HAVE A VALID CLAIM BASED UPON YOUR INVESTMENT IN THIS LOAN  
BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN MAKING THAT  
INVESTMENT AND USACM DID NOT GUARANTEE REPAYMENT OF THAT  
LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE  
EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**

1 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
2 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**  
3 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**  
4 **HINDERAKER (520-629-4430).**

5 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
6 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon  
7 Investment in the Fox Hills 216, LLC Loan (with Certificate of Service) (the “Objection”).  
8 Your Proof of Claim number and other information regarding your claim is provided in  
9 **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has requested that  
10 this Court enter an order, pursuant to section 502 of title 11 of the United States Code (the  
11 “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the  
12 “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is based upon an  
13 investment in the Fox Hills 216, LLC Loan. The Objection will not impact your Claim to  
14 the extent it is based upon an investment in a different loan.

15 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
16 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
17 Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
18 **August 30, 2011, at the hour of 10:30 a.m.**

19 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON AUGUST**  
20 **30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**  
21 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**  
22 **HEARD ON THAT DATE.**

23 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any  
24 response to the objection must be filed and service must be completed no later than  
25 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant  
26 facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: July 13, 2011.

LEWIS AND ROCA LLP

By s/ Marvin Ruth (NV 10979)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

Marvin Ruth, NV 10979

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*Attorneys for the USACM Liquidating Trust*

Copy of the foregoing mailed by first class postage prepaid U.S. Mail on July 13, 2011 to all parties listed on Exhibit A attached to the objection.

LEWIS AND ROCA LLP

s/ Matt Burns

Matt Burns